

CANON 31 TRUSTEESHIP CANON

Interpretation

1. The purpose of this Canon is to provide a framework within which the Bishop exercises the Bishop's rights, powers and prerogatives, by and with the consent of Diocesan Council and the Parish in Distress, in order to place a Parish in Distress in Trusteeship.
2. The intent of this Canon is that the Bishop and Diocesan Council will use Trusteeship under this Canon only as a last resort, when other efforts to resolve the Parish in Distress's problems have failed, or when it is urgent to intervene for financial or other reasons.
3. In this Canon:

Administrator means a suitably qualified individual appointed by the Trustees in writing to exercise some or all of their rights, powers and prerogatives under their supervision;

Bishop means the Diocesan Bishop of the Diocese;

Church Council has the meaning ascribed to it in Section 11 of Canon 35 (Parish Government).

Commission means a written commission issued by the Bishop under the Bishop's hand and seal appointing Trustees to a Parish in Distress pursuant to this Canon;

Corporation means the corporation of any Parish within the meaning of the *Anglican Church Act*;

Diocese means the Diocese of Nova Scotia and Prince Edward Island;

Diocesan Council means the Diocesan Council of the Diocese;

Member means any member or communicant of the Anglican Church of Canada in the Diocese, whether lay or clergy;

Parish means a parish as defined in the *Anglican Church Act*;

Parish Council has the meaning ascribed to it in Section 8 of Canon 35 (Parish Government);

Parish in Distress means any Parish that is, in the opinion of Diocesan Council, dysfunctional and, without limiting Diocesan Council's discretion, a Parish is dysfunctional where:

- (i) it is subject to serious division within the Parish Council or within the Church Council of one of the congregations comprising the Parish;
- (ii) there are difficulties in the Parish's compliance with the requirements of Canon 35 (Parish Government);

or

- (iii) the Parish has repeatedly failed to meet its financial commitments to the Diocese or to third parties;

Trustee means a Member appointed by the Bishop to a Commission pursuant to this Canon;

Trusteeship Proposal means a written proposal that the Bishop issue a Commission in respect of a Parish under this Canon.

Trusteeship Proposal

- 4. Upon receipt of a request in writing from the Parish Council of the Parish in Distress, where the request has been authorized by a special meeting of the Parish Council conducted in accordance with these Canons, the Bishop may initiate a Trusteeship Proposal respecting a Parish in Distress pursuant to this Canon.

Approval of Diocesan Council

- 5. Where a Trusteeship Proposal is initiated, the Proposal shall be submitted to Diocesan Council, and if it is approved by a majority vote of the members present and voting at a duly called Diocesan Council meeting, the Bishop shall then commission a Board of three Trustees by issuing a Commission under the Bishop's hand and seal.
- 6. A Commission issued by the Bishop under this Canon has such term not to exceed one year as the Bishop deems appropriate and the Diocesan Council approves (the "**Term**"), which Term may be renewed by the Bishop with the consent of Diocesan Council;
- 7. The Commission may be terminated at any time by the Bishop with the consent of Diocesan Council.

Powers and Responsibilities of the Trustees

8. Upon issuing a Commission, the Bishop shall immediately give written notice thereof to the Corporation of the Parish in Distress.
9. From the date and time of notice of the Commission,
 - a. the Parish Council shall exercise all rights, powers and prerogatives of the Corporation of the Parish in Distress and of all other church-related entities within the Parish in Distress in accordance with directions given to the Parish Council by Trustees during the term of their Commission;
 - b. the Parish Council shall provide the Trustees with any bank statements or financial statements that the Trustees may from time to time request; and
 - c. the Parish Council shall take steps to advise immediately the Church Councils of any congregations comprising the Parish and any other church-related entities within the Parish in Distress of the issuance of the Commission.
10. In addition to the Trustees' power to give written directions to the Parish Council of the Parish in Distress, the Trustees may, during the term of the Commission
 - a. decide whether mediators or conflict resolution managers shall be appointed to deal with the matters which were the cause of the issue of the Commission;
 - b. decide whether to appoint an Administrator to exercise some or all of their rights, powers and prerogatives under their supervision and if so, the extent of the rights, powers and prerogatives conferred upon the Administrator pursuant to the terms of the appointment.
11. Notwithstanding any other provision of the Canon law including without limitation Canon 35, an annual general meeting or special meeting of a Parish may elect one or more Trustees to the office of Warden, Secretary, or Treasurer of the Parish for a term not to exceed the Term of the Trustees' Commission.

Reporting

12. During the term of the Commission, the Trustees shall make interim reports on their work to Diocesan Council at such intervals as may be determined by Council, and shall also submit a final report to the Bishop and to Council at the end of the Commission.
13. Upon receipt of the Trustees' final report by the Bishop and Council, the Archdeacon responsible for the Parish in Distress shall call a special meeting of the Parish Council of that Parish, and at that meeting:

- a. the Trustees shall present their final report to the Parish Council; and
- b. the Corporation and the Parish Council shall be entitled to exercise all their rights, powers, prerogatives and responsibilities without being subject to direction from the Trustees.

Expenses and Disbursements

14.
 - a. The Trustees shall not receive any remuneration.
 - b. Any reasonable expenses or disbursements incurred by the Trustees in fulfillment of their Commission, including without limitation the fees and disbursements of any Administrator whom they may appoint, shall be paid by the Parish in Distress or, if the Parish in Distress does not have sufficient assets, shall be paid by the Diocese.

Notice to the Corporation

15. Any notice which must be given to the Corporation under this Canon shall be deemed to be validly given and received at the earlier of:
 - a. the actual receipt of the written notice by any member of the Parish Council; or
 - b. 48 hours after the notice is sent by registered mail to any member of the Parish Council.

Immunity

16. The Bishop, the members of Diocesan Council individually and corporately, the Trustees individually and corporately and any Administrator appointed by them shall benefit from immunity as against the Corporation and no action or recourse lies against them by the Corporation for anything done or not done by them in good faith under the terms of this Canon.